

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CYNTHIA MENDEZ,

Plaintiff,

VS.

ALICE NEWSPAPERS, INC.,

Defendant.

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CIVIL ACTION NO. C-08-76

ORDER

For the reasons set forth below, this Court hereby DISMISSES the above-styled action for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b).


On March 11, 2008, Plaintiff filed her complaint with the Court. (D.E. 1.) The Court scheduled an initial pretrial conference (“IPTC”) for April 25, 2008, at 1:15 PM. (D.E. 2.) Plaintiff’s counsel appeared at the IPTC and, upon questioning, revealed that he had made no attempt to personally serve Defendant prior to the conference. The Court ordered Plaintiff to personally serve Defendant no later than Wednesday, April 30, 2008, to file a Discovery/Case Management Plan with the Court no later than Thursday, May 1, 2008, and to appear at a rescheduled IPTC on Friday, May 2, 2008. (D.E. 5.) The docket sheet reflects that Plaintiff served Defendant on April 29, 2008. (D.E. 7, 8.) Plaintiff, however, did not file the required Discovery/Case Management Plan and did not appear at the May 2, 2008 IPTC.

“A district court *sua sponte* may dismiss an action for failure to prosecute or to comply with any court order.” Larson v. Scott, 157 F.3d 1030, 1031 (5th Cir. 1998); see also Anthony v. Marion County Gen. Hosp., 617 F.2d 1164, 1167 (5th Cir. 1980) (“Rule 41(b) provides that a case may be dismissed for failure to prosecute ... [a district court may] *sua sponte* dismiss an action whenever necessary to achieve the orderly and expeditious disposition of cases.”) (internal

citations omitted); see also Fed. R. Civ. P. 41(b) (“For failure of the plaintiff to prosecute or to comply with these rules or any order of the court, a defendant may move for dismissal of an action or of any claim against the defendant.”).

For the reasons set forth above, the Court hereby DISMISSES Plaintiff’s complaint in its entirety, for failure to prosecute.

SIGNED and ORDERED this 2nd day of May, 2008.



Janis Graham Jack
United States District Judge